
By: **Senators Ruben, Britt, Forehand, Garagiola, Giannetti, Grosfeld,
Hughes, Kelley, Kramer, Lawlah, and Teitelbaum**

Introduced and read first time: January 31, 2005

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving - Prior Convictions - Penalties and Probation**
3 **Before Judgment**

4 FOR the purpose of prohibiting a court from staying the entry of a judgment and
5 placing a person on probation for a subsequent violation of certain alcohol- or
6 drug-related driving offenses if the person previously was convicted of or placed
7 on probation for certain alcohol- or drug-related driving offenses; providing that
8 a prior conviction for certain alcohol- or drug-related driving offenses shall be
9 considered a conviction of a certain offense for purposes of imposing certain
10 subsequent offender penalties regardless of when the prior offense was
11 committed; and generally relating to certain drunk and drugged driving offenses
12 and prior convictions.

13 BY repealing and reenacting, without amendments,
14 Article - Criminal Procedure
15 Section 6-220(b) and (c)
16 Annotated Code of Maryland
17 (2001 Volume and 2004 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Criminal Procedure
20 Section 6-220(d)
21 Annotated Code of Maryland
22 (2001 Volume and 2004 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - Transportation
25 Section 27-101(j) and (k)
26 Annotated Code of Maryland
27 (2002 Replacement Volume and 2004 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Criminal Procedure**

4 6-220.

5 (b) (1) When a defendant pleads guilty or nolo contendere or is found guilty
6 of a crime, a court may stay the entering of judgment, defer further proceedings, and
7 place the defendant on probation subject to reasonable conditions if:

8 (i) the court finds that the best interests of the defendant and the
9 public welfare would be served; and

10 (ii) the defendant gives written consent after determination of guilt
11 or acceptance of a nolo contendere plea.

12 (2) Subject to paragraphs (3) and (4) of this subsection, the conditions
13 may include an order that the defendant:

14 (i) pay a fine or monetary penalty to the State or make restitution;
15 or

16 (ii) participate in a rehabilitation program, the parks program, or a
17 voluntary hospital program.

18 (3) Before the court orders a fine, monetary penalty, or restitution, the
19 defendant is entitled to notice and a hearing to determine the amount of the fine,
20 monetary penalty, or restitution, what payment will be required, and how payment
21 will be made.

22 (4) Any fine or monetary penalty imposed as a condition of probation
23 shall be within the amount set by law for a violation resulting in conviction.

24 (5) As a condition of probation, the court may order a person to a term of
25 custodial confinement or imprisonment.

26 (c) (1) When the crime for which the judgment is being stayed is for a
27 violation of § 21-902 of the Transportation Article or § 2-503, § 2-504, § 2-505, §
28 2-506, or § 3-211 of the Criminal Law Article, the court:

29 (i) before imposing a period of probation, may order the
30 Department of Health and Mental Hygiene to evaluate the defendant in accordance
31 with § 8-505 of the Health - General Article;

32 (ii) if an evaluation was ordered under item (i) of this paragraph,
33 shall review the evaluation before imposing a period of probation; and

34 (iii) shall impose a period of probation and, as a condition of the
35 probation:

